

**ERIE COUNTY LEGISLATURE  
MEETING NO. 3  
FEBRUARY 9, 2017**

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Ms. Miller-Williams, who offered a prayer.

The Pledge of Allegiance was led by Mr. Burke.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. LORIGO moved for the approval of the minutes for Meeting Number 2 from 2017. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

**MISCELLANEOUS RESOLUTIONS**

Item 5 – MR. LORIGO presented a resolution Honoring John Blickwedehl for Being Named the West Seneca Chamber of Commerce's Educator of the Year and for his Contribution to the Community.

Item 6 – MR. LORIGO presented a resolution Honoring Joseph Kirchmyer for Being Named the West Seneca Chamber of Commerce's Citizen of the Year and for his Contribution to the Community.

Item 7 – MR. LORIGO presented a resolution Honoring the American Legion Post 735 for Being Named the West Seneca Chamber of Commerce's Community Service Organization of the Year and for its Contribution to the Community.

Item 8 – MR. LORIGO presented a resolution Honoring Edbauer Construction for Being Named the West Seneca Chamber of Commerce's Business of the Year and for its Contribution to the Community.

Item 9 – MR. LORIGO presented a resolution Honoring Ebenezer Ale House for Being Named the West Seneca Chamber of Commerce's Member of the Year and for its Contribution to the Community.

Item 10 – MR. LORIGO presented a resolution Proclaiming February 2017 as "American Heart Health Month" in Erie County and to Encourage all Citizens to Make Healthy Choices and Manage Their Health Conditions.

MR. LORIGO moved for consideration of the above six items. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above six items to include Et Al sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above six items as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

### **LOCAL LAWS**

Item 11 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2016 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 12 – CHAIR MILLS directed that Local Law No. 4 (Print #2) 2016 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 13 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 14 – CHAIR MILLS directed that Local Law No. 6 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 15 – CHAIR MILLS directed that Local Law No. 7 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 16 – CHAIR MILLS directed that Local Law No. 8 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 17 – CHAIR MILLS directed that Local Law No. 10 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 – CHAIR MILLS directed that Local Law No. 14 (Print #1) 2016 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 19 – CHAIR MILLS directed that Local Law No. 17 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 – CHAIR MILLS directed that Local Law No. 18 (Print #1) 2016 remain on the table and in the PUBLIC SAFETY COMMITTEE.

GRANTED.

Item 21 – CHAIR MILLS directed that Local Law No. 19 (Print #1) 2016 remain on the table and in the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Item 22 – CHAIR MILLS directed that Local Law No. 20 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 23 – CHAIR MILLS directed that Local Law No. 1 (Print #1) 2017 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 24 – MR. LORIGO moved to take Local Law No. 2 (Print #1) 2017 off the table. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to receive and file the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 25 – CHAIR MILLS directed that Local Law No. 2 (Print #2) 2017 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

**COMMITTEE REPORTS**

Item 26 – MS. DIXON presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 19

February 2, 2017	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 2E-23 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health’s Division of Emergency Medical Services provides CPR training through a partnership with the American Heart Association; and

WHEREAS, the Orchard Park Fire District Emergency Medical Services has offered to provide a training site to host CPR and other first aid trainings at no cost to the County; and

WHEREAS, CPR can increase the survival rate of sudden cardiac arrest by 40%; and

WHEREAS, the purpose of this resolution is to authorize the County Executive to enter into a contract with Orchard Park Fire District Emergency Medical Services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract and amendments to that contract with Orchard Park Fire District Emergency Medical Services; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Department of Law and to Dr. Gale R. Burstein, Commissioner in the Erie County Health Department, 9<sup>th</sup> Floor, Rath Building.

(6-0)

2. COMM. 2E-24 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Health's Public Health Lab is required by the New York State Sanitary code to prevent and control the spread of rabies; and

WHEREAS, unvaccinated and unlicensed animals suspected of biting a human or other animal must be subject to confinement, observation and, if rabid, decapitation; and

WHEREAS, rabies is nearly 100% fatal; and

WHEREAS, an emergency veterinarian contractor is needed to provide 24/7 rabies services should the need arise; and

WHEREAS, Greater Buffalo Veterinary Emergency Clinic has been determined to be capable of providing these key rabies services.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the County Executive to enter into contract and amendments to that contract with Greater Buffalo Veterinary Emergency Clinic; and be it further

RESOLVED, that funding is available on an as needed basis in the Erie County Department of Health's Public Health Lab, Fund Center 12730, Account # 516020; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Department of Law and to Dr. Gale R. Burstein, Commissioner in the Erie County Health Department, 9<sup>th</sup> Floor, Rath Building.  
(6-0)

3. COMM. 2E-25 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health and chemical dependency services for the residents of Erie County; and

WHEREAS, the Erie County Department of Mental Health has been awarded another \$92,500 by the New York State Office of Mental Health (NYSOMH) as part of a grant to offer peer-to-peer mentoring services to veterans and their family members; and

WHEREAS, the New York State Office of Mental Health has identified Veterans One-Stop Center of Western New York, Inc. as the recipient of this award to continue development of a peer-to-peer mentoring program for post 9/11 veterans in Erie County experiencing Post Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI); and

WHEREAS, the Department of Mental Health requires legislative approval to accept the State funds and to establish a grant budget in Fund 281; and

WHEREAS, no County funds will be necessary for Erie County to accept this state aid to serve individuals residing in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to accept New York State grant funds for the continuation of a peer-to-peer veterans counseling program, and enter into contract with the Veterans One Stop Center of Western New York, Inc., and authorizes the Division of Budget and Management to establish a grant as follows:

Erie County Department of Mental Health  
Grant Fund 281, Fund Center 12410  
January 1, 2017 - June 30, 2018  
124PEERTOPEER1718

Revenue	Increase
Account 409000 - State Aid Revenue	\$92,500

Appropriation	Increase
Account 516010 – Contract Payments – Nonprofit Purch Serv	\$92,500

and be it further

RESOLVED that to the extent this subcontract may constitute a professional, technical or other consultant service, the County Administrative Code requirement in Section 19.08 for a Request for Proposal (RFP) is hereby waived, as this Honorable Body has previously approved of the County's entering into contract with the Veterans One Stop Center of Western New York, Inc. for this program in Intro. 14-4 on July 18, 2013; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to adjust items of appropriations and revenues which may be impacted by changes to the grantor award, provided there are no changes to county share amounts; and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Mental Health, the Office of the Comptroller, and the Division of Budget and Management.

(6-0)

4. COMM. 2E-26 (2017)

**COUNTY EXECUTIVE**

WHEREAS, group respite programs provide a safe, supervised, entertaining environment for memory impaired adults, thereby allowing their family caregivers temporary relief; and

WHEREAS, the Department of Senior Services is working to cost efficiently expand services for frail older adults in Erie County by partnering with faith-based institutions to provide group respite programs; and

WHEREAS, the Department of Senior Services has identified two additional area churches to begin this initiative, Trinity Old Lutheran Church and Saint David's Episcopal Church; and

WHEREAS, the Department of Senior Services plans on providing each of the identified churches with a one-time payment of \$1,000 to cover program startup expenses; and

WHEREAS, budgetary appropriations are available in the 163CSE1617 and 163CSE1718 grants' Professional Services Contracts and Fees account to fund the contracts with the churches.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be and is hereby authorized to enter into contracts, not to exceed \$1,000 each, with Trinity Old Lutheran Church and Saint David's Episcopal Church, to begin group respite programs; and be it further

RESOLVED, that budgetary appropriations in the 163CSE1617 and 163CSE1718 grants' Professional Services Contracts and Fees account be utilized to fund the contracts with the consultant and churches; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Division of Budget and Management, the Comptroller's Office, and the Department of Senior Services.

(6-0)

5. COMM. 2E-27 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the Department has been awarded \$92,000 in 100% State share funds to continue and enhance a program entitled Safe Harbor for Exploited Children; and

WHEREAS, the 2017 Department of Social Services Adopted Budget has appropriated an additional \$30,000 to support this program; and

WHEREAS, a key provision of the Act is to move sexually exploited youth from the criminal and juvenile justice systems to the family court where children and their families can receive support and services from the child welfare system; and

WHEREAS, services are to be provided to victims of sex trafficking and core elements of the service include case management, emergency temporary housing, health care, mental health counseling, language interpretation and translation services, job training and placement and services to assist in establishing permanent residence; and

WHEREAS, as this is the fifth year of a newly established program, this proposed resolution seeks Legislative authority to waive section 19.08 of the County Administrative Code which otherwise requires that a Request for Proposals (RFP) be conducted; and

WHEREAS, this proposed resolution authorizes the Department to amend the 2017 Adopted Budget and to renew a contract with the International Institute as the lead agency for this program funding; and

WHEREAS, International Institute of Buffalo is the only local agency with the expertise and existing resources to carry out the program; and

WHEREAS, there is no local share fiscal impact to this resolution.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into contract with the State of New York to accept funding for the Safe Harbor for Exploited Children program; and be it further

RESOLVED, that the Commissioner of Social Services and/or the County Executive are hereby authorized to enter into a subcontract with the International Institute in order to implement the Safe Harbor for Exploited Children program in the amount of \$122,000 which includes the State Grant of \$92,000 and the County appropriation of \$30,000; and be it further

RESOLVED, that the following budget amendments are hereby authorized in the 2017 Adopted Budget:

Department of Social Services, Fund 110, Department 120

ACCOUNT	DESCRIPTION	INCREASE
517172	International Institute	<u>\$92,000</u>
	Total Expenditures	<u>\$92,000</u>
409000	State Aid	<u>\$92,000</u>
	Total Revenues	<u>\$92,000</u>

and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make any further budget adjustments required for this program in order to comply with final New York State approved allocations; and be it further

RESOLVED, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the Erie County Executive, the Commissioner of Social Services, the Erie County Comptroller, and the Director of the Division of Budget and Management.

(6-0)

6. COMM. 2E-28 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Social Services received on Friday, December 16, 2016 a Notice of Emergency Adoption and Proposed Rule Making relative to emergency measures for the homeless during inclement winter weather from the New York State Office of Temporary and Disability Assistance; and

WHEREAS, the emergency regulation continues many provisions contained within Executive Order 151 issued last January but had since sunsetted; and

WHEREAS, the emergency regulation continues responsibilities to the Department of Social Services when temperatures decline to 32 degrees or below, including extending shelter hours, allowing individuals who are homeless to remain indoors, instructing homeless service outreach workers to work with other relevant personnel and working with local police in relation to the involuntarily transport of at-risk individuals who refuse to go inside and who appear to be at-risk for cold related injuries to appropriate facilities for assessment; and

WHEREAS, the Department of Social Services anticipates being fully reimbursed by New York State for activities which bring it in compliance with this regulation; and

NOW, THEREFORE, BE IT

RESOLVED, the Erie County Executive is hereby authorized to enter into contract with the State of New York in order to accept reimbursement for the implementation of programs designed to comply with §304.1 to 18 NYCRR (Emergency Measures for the Homeless During Inclement Winter Weather); and be it further

RESOLVED, the Erie County Executive is hereby authorized to enter into a contract with the Lt. Col. Matt Urban Human Services Center of WNY to house homeless individuals at night when temperatures are between 16 and 32 degrees at a cost of \$220,289.00; and be it further

RESOLVED, the Erie County Executive is hereby authorized to enter into a contract with Restoration Society Inc. (Harbor House) to house homeless individuals at night when temperatures are between 16 and 32 degrees at a cost of \$88,650.00 Lt. Col. Matt Urban Human Services Center of W.N.Y.; and be it further

RESOLVED, the Erie County Executive is hereby authorized to enter into a contract with Rural Outreach Center to house homeless individuals when temperatures are between 16 and 32 degrees at a cost of \$65,000.00; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to make budget revisions, appropriate additional unanticipated revenues, and transfer funds necessary to cover the costs of the aforementioned contracts with Restoration Society Inc., Rural Outreach Center and the Lt. Col. Matt Urban Human Services Center of W.N.Y.; and be it further

RESOLVED, the County Administrative Code requirement in Section 19.08 for a Request for Proposals (RFP) is hereby waived; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Division of Budget and Management, the Office of the Comptroller and the Department of Social Services.

(6-0)

7. COMM. 2E-29 (2017)  
**COUNTY EXECUTIVE**

January 20, 2017

Erie County Legislature  
92 Franklin St. - 4th Floor  
Buffalo, NY 14202

Dear Honorable Members:

RE: APPOINTMENTS TO THE YOUTH SERVICES BOARD

I, Mark C. Poloncarz, Erie County Executive, pursuant to Section 11.09 of the Erie County Code, do hereby appoint the following individuals to the Erie County Youth Services Board to a term ending December 31, 2019:

Bryan Wittmeyer MSPT 3752 Howard Rd. Hamburg, New York 14075	Charity Lulas 10788 Gowanda State Road North Collins, New York 14111	Melissa Jones, MS 108 Indian Church Road Buffalo, New York 14210
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Patricia Waters 43 Newman Place Buffalo, New York 14210	Jacob Brown 202DA Dewey Hall University at Buffalo Buffalo, New York 14261
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Sincerely,  
MARK C. POLONCARZ  
Mark C. Poloncarz, Esq.  
Erie County Executive

cc: Al Dirschberger, Commissioner of Social Services  
Paul Kubala, Deputy Commissioner, Erie County Youth Services  
Appointees  
(6-0) Received, filed & printed.

LYNNE M. DIXON  
CHAIR

Item 27 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MR. MORTON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 20

February 2, 2017

COMMUNITY ENRICHMENT COMMITTEE  
REPORT NO. 1

ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
  - a. COMM. 2D-7 (2017)  
**DEPARTMENT OF PUBLIC WORKS:** “ECC STEM Building Status Report - Dec. 2016”  
(6-0)

KEVIN R. HARDWICK  
CHAIR

Item 28 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 21

February 2, 2017	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 2E-5 (2017)  
**COUNTY EXECUTIVE**  
WHEREAS, the County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound reuse of urban brownfields for productive use, be it industrial, commercial, or recreational; and

WHEREAS, the former INS Scrapyard at 4111 River Road, Town of Tonawanda, is now owned by Erie County, subsequent to foreclosure which was completed on November 16, 2016; and

WHEREAS, Erie County has agreed to transfer the 4111 River Road property to the Buffalo and Erie County Industrial Land Development Corporation (ILDC) and the ILDC has agreed to receive the property; and

WHEREAS, Erie County has written a grant application to the National Grid Brownfield Program and been award \$20,000 towards the remediation of this property; and

WHEREAS, Erie County desires to transfer the funds to the Buffalo and Erie County Industrial Land Development Corporation which will be owning the property to allow the funds to be used for remediation, demolition and clean up of the site.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with National Grid to receive funds, and enter into contracts with the Buffalo and Erie County Industrial Land Development Corporation in amounts not to exceed a total of \$20,000, for the purpose of receiving and transferring funds to be used in the remediation, demolition and clean up or the 4111 River Road site; and be it further

RESOLVED, that the source of these funds shall be \$20,000 available from the National Grid Brownfield Redevelopment Program; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(5-0-1) Legislator Lorigo abstained.

2. COMM. 2E-6 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie is interested in the fostering of business growth and job creation within Erie County; and

WHEREAS, Erie County desires to encourage the sound reuse of urban brownfields for productive use, be it industrial, commercial, or recreational; and

WHEREAS, the former Bethlehem Steel site in Lackawanna is now owned by Tecumseh Redevelopment Inc. and that Tecumseh Redevelopment Inc., the City of Lackawanna and the County of Erie entered into a Memorandum of Understanding on April 12, 2005 to work cooperatively toward the goal of the redevelopment of this under utilized site; and

WHEREAS, the County of Erie, City of Lackawanna, Erie County Industrial Development Agency, South Buffalo Railway, and Tecumseh Redevelopment Incorporated continue to work cooperatively toward achieving the redevelopment of the former Bethlehem Steel site; and

WHEREAS, railroad tracks adjacent to Route 5 must be relocated prior to the start of redevelopment of this property and for the continuation of the Erie County Shoreline Trail; and

WHEREAS, the Erie County Industrial Development Agency has extensive experience in contracting with consultants and contractors specializing in railroad development; and

WHEREAS, the County of Erie has approved funding in the County Budget in years 2014, 2015 and 2016, to be utilized specifically for infrastructure and redevelopment on the former Bethlehem Steel site.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into contracts with the Erie County Industrial Development Agency, consultants, and other state and federal agencies, in amounts not to exceed a total of \$4,550,000, for the purpose of the removal, relocation and

construction of rail track and related utilities on the former Bethlehem Steel site in the City of Lackawanna; and be it further

RESOLVED, that the County Executive is authorized to enter into agreements with Tecumseh Redevelopment, South Buffalo Railway, Gateway Trade Corporation, and Welded Tube USA to obtain necessary land, easements, and maintenance agreements to complete the work; and be it further

RESOLVED, that the source of these funds shall be in SAP accounts A.14010 – \$2,000,000; A.15018 – \$1,250,000, and A.16017 – \$1,300,000, available in the Erie County Capital Budgets 2014, 2015 and 2016 respectively, and part of the approved County budgets; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget and Management; the Comptroller; the Commissioner of the Department of Environment and Planning; and the County Attorney.

(5-0-1) Legislator Lorigo abstained.

3. COMM. 2E-7 (2017)

**COUNTY EXECUTIVE**

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the preparation of the annual program application materials, and submittal of same to the federal Department of Housing and Urban Development; and

WHEREAS, the Erie County Community Development Block Grant Consortium and HOME Consortium approved the 2017 Action Plan at their session held on January 26, 2017.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium, is hereby authorized to submit this resolution to the United States Department of Housing and Urban Development (HUD) as supportive material to the 2017 Annual Action Plan for the Community Development Block Grant, Emergency Solutions, and HOME Investment Partnership Programs having estimated dollar amounts as indicated.

- |  |             |
|--|-------------|
| 1. Erie County Consortium Community Development Program: | \$2,699,960 |
| 2. Emergency Solutions Program:                          | \$ 217,650  |
| 3. HOME Investment Partnership Program:                  | \$ 652,871  |
| 4. Town of Hamburg Community Development Program:        | \$ 360,000  |

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to submit and execute any and all applications and agreements with HUD, local governments, property owners receiving housing assistance, non-profit, and for-profit agencies, which are necessary to implement the above programs with the exception that any proposed agreement that transfers all or a portion of the administrative functions of the program from Erie County to a sub-recipient or contractual agency shall require approval from the Erie County Community Development Consortium and the Erie County Legislature; and be it further

RESOLVED, that the Commissioner of the Department of Environment and Planning is hereby authorized to execute any and all HOME Agreements with property owners participating in County housing programs assisted with federal HOME Investment Partnership funds; and be it further

RESOLVED, that the Commissioner of the Department of Environment and Planning is hereby authorized to execute any and all discharges of Erie County Note and Mortgages and/or Lien documents associated with any and all Erie County Housing Programs funded through the federal Community Development Block Grant and/or HOME Investment Partnership Programs; and be it further

RESOLVED, that copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; and the Director of the Division of Budget and Management.  
(6-0)

4. COMM. 2E-8 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the Tonawanda Rails to Trails Extension Project PIN 5761.02 (the "Project") is eligible for funding under the Federal Transportation Alternatives Program (TAP) administered by the New York State Department of Transportation (NYSDOT), such funding being apportioned as stated in Title 23 U.S. Code, as amended, that calls for the appointment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, under TAP the federal cost share is limited to the amount set forth in the agreement with NYSDOT with any additional costs being borne 100% by the local sponsor; and

WHEREAS, the County of Erie previously advanced the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering and Right of Way Incidentals Phases via Legislative Communication 11E-10, June 11, 2015; and

WHEREAS, the County of Erie would like to advance the Project's Supplemental Agreement with New York State Department of Transportation which includes the addition of the Right-of-Way (ROW) Acquisition phase of the Project, by making a commitment of 100% of the Non-Federal share of the costs; and

WHEREAS, the NYSDOT supplemental agreement is in the total amount of \$237,000 an increase of \$77,000 over the County's existing Project agreement with NYSDOT; and

WHEREAS, the County is required to pay the estimated local share for the increase in Project costs in the amount of \$15,400 which is available from the SAP projects hereinafter noted.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the ROW acquisition phase of the Project or portions thereof; and be it further

RESOLVED, that the Project budget be adjusted to reflect the anticipated federal revenue for the ROW acquisition phase as follows:

Fund 420, BA 123, B.16007, 2016 Federal Aid Projects Right-of-Way:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
414000	Federal Aid	\$ 32,000.	\$ 37,600.	\$ 69,600.
475000	Gen Oblig Bond Proc	<u>\$ 18,000.</u>	<u>\$ 0.</u>	<u>\$ 18,000.</u>
TOTAL REVENUES		<u>\$ 50,000.</u>	<u>\$ 37,600.</u>	<u>\$ 87,600.</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	\$18,000.	\$ 0.	\$18,000.
Unallocated	Unallocated Capital	<u>\$32,000.</u>	<u>\$ 37,600.</u>	<u>\$69,600.</u>
TOTAL APPROPRIATIONS		<u>\$50,000.</u>	<u>\$ 37,600.</u>	<u>\$87,600.</u>

; and be it further

RESOLVED, that the current estimated total cost increase due to the addition of the ROW acquisition phase of the Project, \$77,000, is hereby appropriated from Fund 420 SAP Projects B.16007, 2016 Federal Aid Projects ROW and made available to cover the cost of participation in the above phases of the Project; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project's Phases as described above exceed the amounts noted the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie, (subject to the County of Erie Attorney's approval as to form and content), with the New York State Department of Transportation in connection with the advancement or approval of the Project identified in the State/Local Agreement; and providing for the administration of the Project and the County's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that ten (10) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

(6-0)

5. COMM. 2E-9 (2017)

**COUNTY EXECUTIVE**

WHEREAS, a few months ago a fire occurred at the Board of Elections offices at 134 West Eagle Street; and

WHEREAS, it is imperative that a number of repairs and building modifications be made, as soon as possible, in order to move the people back into their space at 134 West Eagle Street; and

WHEREAS, the third floor toilet rooms require renovation from fire damage and alterations for ADA compliance; and

WHEREAS, the existing roof and skylights continue to leak causing mold and environmental concerns, posing health and safety risks for County workers and the public; and

WHEREAS, the County Executive is requesting authorization to issue an Agreement to Clark Patterson Lee for providing design, construction documents and construction administration services for 134 W. Eagle Street – 2016 Repair of Fire Damage.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to issue an Agreement to Clark Patterson Lee for providing professional A/E design, construction documents and construction administration services for 134 W. Eagle Street – 2016 Repair of Fire Damage, including a design contingency and reimbursables for an amount not to exceed \$18,000.00; and be it further

RESOLVED, that the Comptroller's Office be authorized to make payment for all the above from SAP Project Account A.15004 – Countywide Roof Replacement and Exterior Waterproofing, for an amount not to exceed \$18,000.00; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Commissioner's Office, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Commissioners of Elections, and the Office of the Comptroller.

(6-0)

6. COMM. 2E-10 (2017)  
**COUNTY EXECUTIVE**

WHEREAS, The Erie County Department of Public Works, Division of Highways, works closely with the NYSDOT; and

WHEREAS, many times, the NYSDOT requires the services of Erie County and vice versa; and

WHEREAS, it is cost effective for Erie County to work jointly with the NYSDOT; and

WHEREAS, an executed Intermunicipal Agreement between the NYSDOT and Erie County should be in effect before these cooperative services are undertaken.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a no-cost Intermunicipal Agreement with the NYSDOT whereby the Division of Highways may exchange services with the NYSDOT; and be it further

RESOLVED, that two certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Office of the Erie County Attorney, the Division of Budget, Management and Finance and the Office of the Comptroller.

(6-0)

JOSEPH C. LORIGO  
CHAIR

Item 29 – MR. MORTON presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 22

February 2, 2017	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 2
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ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 2E-11 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the County of Erie (County) owns Nine (9) dams and the part of the Ellicott Creek Flood Control Project within Ellicott Creek Park (the “Dams”); and

WHEREAS, large vegetation such as trees have the potential for degrading the performance of the dams by compromising the integrity of the dams in various ways; and

WHEREAS, the dams are subject to periodic inspection resulting in the identification of maintenance needs, including the removal and/or trimming of trees and other large vegetation; and

WHEREAS, Erie County Soil and Water has the necessary experience and environmental expertise to properly complete the vegetation control work (the “Work”) on an as directed basis; and

WHEREAS, it is desired to engage Erie County Soil and Water to complete the Work; and

WHEREAS, the cost of the Work is estimated to not exceed \$20,000 which sum is available from the SAP project hereinafter identified.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves engaging Erie County Soil and Water to complete the Work; and be it further

RESOLVED, that the County Executive be authorized to execute an amendment to the County’s existing contract with Erie County Soil and Water for the above referenced work on an as directed basis in an amount not to exceed \$20,000 which is available from Fund 420, BA 123, SAP Project B.14020 – 2014 Dam Preservation and Rehab; and be it further

RESOLVED, that three (3) certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the Office of the County Attorney, and the Office of the Comptroller.

(6-0)

2. COMM. 2E-12 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the Department of Parks, Recreation & Forestry desires to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for Snowmobile Trail Development during the 2016-2017 snowmobile season in the amount not to exceed \$156,565; and

WHEREAS, this agreement with the State shall pertain to such maintenance as performed by the individual Snowmobile Clubs of Erie County on club trails located outside County-owned lands as well as on trails located in Erie County Parks and Forestry lots.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into an agreement with the New York State Office of Parks, Recreation and Historic Preservation for an amount not to exceed \$156,565 as pertains to snowmobile trail maintenance performed during the 2016-2017 snowmobile season; and be it further

RESOLVED, that the County Executive is authorized to enter into contracts with the individual Snowmobile Clubs of Erie County for a total amount not to exceed \$156,565 for the purpose of snowmobile trail maintenance on club trails during the 2016-2017 snowmobile season, provided that the clubs meet all insurance and other requirements deemed necessary by the County, in amounts as follows:

Colden Trail Riders Inc.	\$ 15,370
Eden Trail Blazers Inc.	\$ 8,835
Grand Island Snowmobile Club Inc.	\$ 4,845
Hamburg Snowmobile Club Inc.	\$ 18,050
Holland Sno-Rascals Inc.	\$ 23,075
Marilla Sno-Mob Inc.	\$ 12,300
Northern Erie Snowseekers Inc.	\$ 17,385
Pioneer Sno-Surfers Inc.	\$ 11,495
Southern Tier Snowdrifters Inc.	\$ 17,650
WNY Snowmobile Club of Boston Inc.	\$ <u>27,560</u>
	\$156,565

and be it further

RESOLVED, that the Erie County Legislature hereby approves the appropriation of anticipated state aid revenue in the Division of Parks, fund 110, cost center 1641010, account 409010, in the amount of \$156,565, as well as an increase in appropriations in the amount of \$156,565, in the Division of Parks, fund 110, cost center 1641010, account 516020, in order that funds may be available to make payment to the individual clubs of the Erie County Federation of snowmobile Clubs; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the Erie County Executive, the Department of Parks, Recreation and Forestry, the Division of Budget, Management and Finance, the Office of the Erie County Comptroller and Assistant County Attorney, Kristen Walder, of the Law Department.  
(6-0)

3. COMM. 2E-13 (2017)

**COUNTY EXECUTIVE**

WHEREAS, The Erie County Department of Parks, Recreation & Forestry received a donation for \$200 from Fleet Feet Sports Rochester; and

WHEREAS, Fleet Feet Sports Rochester wishes to help with trail maintenance and similar projects.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Parks, Recreation and Forestry is authorized to accept this \$200 donation from Fleet Feet Sports Rochester and deposit the funds into the revenue GL 418430 - Donated Funds, funds center 1641010, fund 110; and be it further

RESOLVED, the Erie County Department of Parks, Recreation and Forestry is also authorized to increase their appropriations in the expense GL 506200 – Maintenance and Repair Supplies, funds center 1641010, fund 110 by \$200 to enable additional trail maintenance and similar park improvement work; and be it further

RESOLVED, that certified copies of this Resolution be sent to the Erie County Executive, the Commissioner of Parks, Recreation and Forestry, the Erie County Division of Budget and Management and the Erie County Department of Law.

(6-0)

4. COMM. 2E-14 (2017)

**COUNTY EXECUTIVE**

WHEREAS, pursuant to Legislative Comm. 11E-9 (2014) Contract 37 STP-A, General was awarded to Kandey Company, Inc. for work associated with the “Influent Pumping Station and ORF Improvements” at the Southtowns Advanced Wastewater Treatment Facility; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 37 STP-A, General in the final contract amount of \$7,427,997.04 which includes Change Order No. 3 (final), an increase of \$12,898.04, and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 37 STP-A, General between the County of Erie and Kandey Company, Inc. (19 Ransier Drive, West Seneca, NY 14224) is accepted in the final contract amount of \$7,427,997.04 which includes Change Order No. 3 (final), an increase of \$12,898.04, and is allocated in Erie County Sewer District No. 3 Bond Account C.00012; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 37 STP-A, General to Kandey Company, Inc. for a total contract amount of \$7,427,997.04 and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.

(6-0)

5. COMM. 2E-15 (2017)

**COUNTY EXECUTIVE**

WHEREAS, Bonnie J. Cloutier (hereinafter "Cloutier"), is the current owner of 63 Vanderbilt Avenue, Depew, New York 14043, also known as SBL 103.12-12-3; and

WHEREAS, the County of Erie (hereinafter "County"), currently owns parcels located behind 63 & 67 Vanderbilt Avenue, Depew New York 14043 SBL No. 103.12-6-22.41 and SBL 103.12-6-22.22 for the Vanderbilt Pumping Station; and

WHEREAS, this Honorable Body approved execution of a Revocable Permit with Cloutier for use of SBL 103.12-6-22.41; and

WHEREAS, Cloutier desires to use and maintain part of the County's premise (SBL No. 103.12-6-22.22, filed in the Erie County Clerk's Office under Liber 11223, Page 6012) that is behind 63 Vanderbilt Avenue and outside of the fence line for the County's Pumping Station.

NOW, THEREFORE BE IT

RESOLVED, that an Amended Revocable Permit for use of an approximately seventeen feet by twenty feet area of Parcel SBL No. 103.12-6-22.22 be granted to Bonnie J. Cloutier; and be it further

RESOLVED, that the County Executive be authorized to sign said Amended Revocable Permit subject to approval by the County Attorney; and be it further

RESOLVED, that (1) certified copy of this resolution sent to the County Executive and Kristin Walder, Assistant County Attorney; and two (2) certified copies of this resolution be sent to Joseph L. Fiegl, P.E., Department of Environment and Planning.  
(6-0)

6. COMM. 2E-16 (2017)

**COUNTY EXECUTIVE**

WHEREAS, pursuant to Legislative Comm. 13E-10 (2015) Contract 49 was awarded to Yarussi Construction, Inc. for sanitary sewer rehabilitation on Stony Road in Erie County Sewer District No. 4; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 49, in the final contract amount of \$170,000.00 which includes Change Order No. 1 (final), a decrease of \$45,000.00 and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 49 between the County of Erie and Yarussi Construction, Inc. (5650 Simmons Avenue, Niagara Falls, New York 14304) is accepted in the final contract amount of \$170,000.00 which includes Change Order No. 1 (final), a decrease of \$45,000.00 and is allocated in Erie County Sewer District No. 4 Capital Account C.15401; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 49, to Yarussi Construction, Inc. for a total contract amount of \$170,000.00 and return all unused funds to Erie County Sewer District No. 4 Capital Reserve Account C.00034; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.  
(6-0)

7. COMM. 2E-17 (2017)

**COUNTY EXECUTIVE**

WHEREAS, pursuant to Legislative Comm. 5E-19 (2015) Contract 21 was awarded to CMH Company, Inc. for sanitary sewer rehabilitation with cured-in-place pipe in Erie County Sewer District No. 5; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 21, in the final contract amount of \$174,096.00 which includes Change Order No. 1 (final), a decrease of \$35,964.00 and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 21 between the County of Erie and CMH Company, Inc. (12704 North Road, Alden, New York 14004) is accepted in the final contract amount of \$174,096.00 which includes Change Order No. 1 (final), a decrease of \$35,964.00 and is allocated in Erie County Sewer District No. 5 Bond Account C.00035; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 21, to CMH Company, Inc. for a total contract amount of \$174,096.00 and return any unused funds to Erie County Sewer District No. 5 Capital Reserve Account C.00005; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.  
(6-0)

8. COMM. 2E-18 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the State of New York through its DEC and EFC provides financial assistance through the Engineering Planning Grant program; and

WHEREAS, the State of New York has awarded Erie County a maximum of \$100,000 to commence the ECSD No. 6 Flow Monitoring Pilot enhanced & Infiltration/Inflow (I/I) remedial improvements; and

WHEREAS, a 20% minimum local match is required for the grant award; and

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to review under the Environmental Conservation Law.

NOW, THEREFORE, BE IT

RESOLVED, that the County of Erie hereby determines that the proposed Flow Monitoring Pilot on Project is a Type II action in accordance with 6 NYCRR Section 617.5 (c) (18) and (21) and therefore is not subject to further review under 6 NYCRR Part 617; and be it further

RESOLVED, that the County Executive is authorized to execute a Grant Agreement with the DEC or EFC for the project; and be it further

RESOLVED, that the Deputy Commissioner or Deputy County Executive in the Division of Sewerage Management be authorized to execute all other contracts, documents and instruments with the DEC or EFC to bring about the Project and to fulfill the obligations under the Engineering Planning Grant Agreement; and be it further

RESOLVED, that a minimum of 20% local match as required by the Engineering Planning Grant Program for the project will be provided through ECSD No. 6 Accounts; and be it further

RESOLVED, that upon award of an Engineering Agreement for the project and a determination of final scope and budget, the grant budget shall be adjusted with the understanding that the local match share shall be at a minimum 20%; and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the County Comptroller, the Director of the Division of Budget and Management, Kristen Walder, Assistant County Attorney, Joseph L. Fiegl, P.E., Deputy Commissioner of the Department of Environment and Planning; and the Albany offices of the New York State DEC and EFC.

(6-0)

9. COMM. 2E-19 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management concluded that reorganization of staffing is necessary and beneficial for the effectiveness of the important public services provided; and

WHEREAS, the Division of Sewerage Management has determined that the aforementioned reorganization will improve the efficiency of its operations in a cost effective manner and contribute to succession planning.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of one (1) Sanitary Engineer - RPT (Job Grade 14, Step 0/1) at a cost of \$36,250 per B-100 9111; and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the deletion of one (1) Sewer Inspector – RPT (Job Grade 9, Step E) at a cost of \$36,508; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management, the Department of Personnel, and the Department of Environment and Planning to make the necessary budgetary and personnel adjustments to effectuate this action; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive and the Director of Budget and Management; and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.

(6-0)

10. COMM. 2E-20 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning (ECDEP) provides technical assistance to municipalities to facilitate compliance with State environmental waste regulations; and

WHEREAS, the ECDEP has previously been contracted by the County's two solid waste management boards to assist with compliance with the New York State Department of Environmental Conservation approved Solid Waste Management Plans (SWMP); and

WHEREAS, Erie County's two solid waste management boards have signed separate two-year Memorandums of Understanding (MOU) for the ECDEP to provide the necessary administrative, logistical and technical assistance and services to comply with the SWMP; and

WHEREAS, execution of the MOUs provide \$20,250 annually in local source funding from the two Solid Waste Management Boards; and

WHEREAS, an appropriate and efficient use of these funds made available through the MOUs through the three-year Waste Reduction and Recycling Coordination Grant budget established by resolution on October 20, 2016 (COMM. 19E-10 (2016) SAP Account #162WRRCG-1619) has accounted for these funds; and

WHEREAS, the Household Hazardous Waste program is a critical and valued service to the community; and

WHEREAS, these MOUs serve as an outline of the roles and responsibilities for cooperative planning, funding and implementation between the ECDEP and the Boards for these events.

NOW THEREFORE BE IT

RESOLVED, that the County Executive or his designee is authorized to enter into separate two-year MOU agreements with the Northeast Southtowns Solid Waste Management Board (NEST) and the Northwest Solid Waste Management Board (NWSWMB) to provide services in 2017 and 2018 and accept the combined funds; and be it further

RESOLVED, that DEP will provide services related to organizing and running the HHW collection program; and be it further

RESOLVED, that the Director of Budget and Management is hereby authorized to implement any budget amendments as required to comply with federal, state and other local source funding requirements; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; Thomas R. Hersey, Jr., Commissioner of the Department of Environment and Planning; Bonnie Lawrence, Deputy Commissioner of the Division of Environmental Compliance; and Paul B. Kranz, P.E. Associate Environmental Quality Engineer of Environmental Compliance Division.  
(6-0)

11. COMM. 2E-21 (2017)

**COUNTY EXECUTIVE**

WHEREAS, Erie County owns land including and adjacent to Big Sister Creek and Bennett Beach and including the site of the Big Sister Wastewater Treatment Plant; and

WHEREAS, Big Sister Creek and Bennett Beach have been identified as having impaired water quality resulting in frequent beach closures and other impacts; and

WHEREAS, the Erie County Department of Environment and Planning (DEP) has identified the need for a feasibility study and design project to identify and assess mitigation measures to address the impaired water quality at Big Sister Creek; and

WHEREAS, New York Sea Grant (NYSG) is a cooperative program of the State University of New York and Cornell University which provides grant assistance to county governments to conduct water quality improvement studies; and

WHEREAS, Erie County applied for to NYSG for a grant to support a study for County owned parcels that include and are adjacent to Big Sister Creek; and

WHEREAS, Erie County received a NYSG award for \$25,000 in funding to conduct a Big Sister Creek feasibility study and design project; and

WHEREAS, Stony Brook University is designated by NYSG to administer the grant on behalf of NYSG; and

WHEREAS, this necessitates the execution of a contract between Erie County and Stony Brook University, and the adoption of a grant budget.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive or the Deputy County Executive is hereby authorized to execute the necessary agreements to accept a grant of \$25,000 with Stony Brook University for the purpose of establishing a “Big Sister Feasibility Study and Design Project”; and be it further

RESOLVED, that the grant budget and project period for the “Big Sister and Feasibility Study and Design Project” is hereby created in the Department of Environment and Planning, Business Area 162, Fund 281 as follows:

Big Sister Feasibility Study and Design Project (March 1, 2017 –May 31, 2018),  
SAP Grant Account #162-BSFSADP1718

REVENUE:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
409000	State Aid	(\$25,000)
TOTAL REVENUE		(\$25,000)

APPROPRIATIONS:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
516020	Professional Services	\$25,000
TOTAL APPROPRIATIONS:		\$25,000

and be it further

RESOLVED, that the Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with the grantor funding requirements; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Deputy County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; Thomas R. Hersey, Jr., Commissioner of Environment and Planning; Bonnie Lawrence, Deputy Commissioner of Environment and Planning; and Josh Wilson, Coordinator – Pollution Prevention Program.

(6-0)

TED B. MORTON  
CHAIR

Item 30 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 23

ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. COMM. 1E-19 (2017)

**SHERIFF AS AMENDED**

WHEREAS, the Erie County Sheriff's Office is charged with the safe transport of inmates to and from court appearances as well as transporting inmates to or from other counties and states; and

WHEREAS, the current Transportation Unit fleet consist of six vehicles that are four years old and one vehicle that is sixteen years old; and

WHEREAS, the fleet travels an average of 350,000 miles per year and many of the vehicles have over 150,000 miles and one vehicle with over 200,000 miles; and

WHEREAS, not only do these vehicles have high mileage, the engine hours are nearly double of a non-police vehicles with the same miles due to the need to keep the vehicles' engines running in specific situations; and

WHEREAS, due to the age and constant uses of the vehicles, the fleet needs to be replaced to keep the Deputies and inmates safe and to keep repair and maintenance costs low; and

WHEREAS, the Sheriff's office will work with the Division of Purchasing to utilize an open bidding process and or the New York State bidder list to purchase seven new Transport Unit vehicles; and

WHEREAS, the average cost of new police vehicles including emergency lighting, safety graphics, security equipment, and communication equipment is \$40,000.00; and

WHEREAS, Telephone Revenue funds will be used to purchase the new vehicles requested; and

WHEREAS, the Erie County Sheriff's Office will work with the Division of Purchasing to gather necessary bids for all appropriate items; and

WHEREAS, there will be no impact on county tax dollars with the appropriation of the Jail Telephone Revenue funds.

NOW, THEREFORE, BE IT

RESOLVED, that \$280,000.00 in available Telephone Revenue Funds are hereby transferred to the appropriate Erie County Sheriff's Office accounts; and be it further

RESOLVED, that the legislature does hereby authorize the following budgetary transactions:

ERIE COUNTY SHERIFF'S OFFICE

Jail Management		
<u>REVENUE</u>		<u>DECREASE</u>
415622	Jail Telephone Revenue funds	\$ 280,000.00
<u>SHERIFF APPROPRIATION</u>		<u>INCREASE</u>
506200	Maintenance and Repair	\$ 5,250.00
561410	Lab and Tech	\$ 35,854.00
561440	Motor Vehicles	\$ 238,896.00
Total Appropriations		\$ 280,000.00

; and be it further

RESOLVED, the Division of Purchasing is hereby authorized to seek bids for the vehicles and equipment and purchase said vehicles and equipment from the vendor with the lowest price; and

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate this transfer should there be any unforeseen issues; and be it further

RESOLVED, that the Erie County Sheriff's Office and the Division of Budget and Management are authorized to have any unused funding either remain in or returned to Telephone Revenue account; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, the County Executive, the Erie County Comptroller, the Division of Purchase and the Chief of Administration of the Sheriff Office for implementation.

(5-1) Legislator Grant voted in the negative.

2. COMM. 1E-20 (2017)

**SHERIFF AS AMENDED**

WHEREAS, the Erie County Sheriff's office Narcotics Unit is a major piece in fighting the illicit drug epidemic enveloping every community of Erie County; and

WHEREAS, the Narcotics Unit proves to be very successful in investigating and arresting narcotic dealers who are selling heroin, fentanyl, cocaine, crack and other illicit drugs to people in Western New York; and

WHEREAS, all the drug-related arrests stem from detailed and exhaustive investigations that include countless hours of surveillance; and

WHEREAS, without replacement surveillance vehicle, the Narcotics Unit would have a major tool eliminated and hinder its investigative abilities; and

WHEREAS, the Erie County Sheriff's Office and the Division of Purchasing will work to find local vendors to find acceptable and reliable vehicles for the Narcotics Unit; and

WHEREAS, the Erie County Sheriff's Office and the Division of Purchasing will determine whether trading the vehicles or sell vehicles at auction will prove to be the most beneficial to the County of Erie; and

WHEREAS, the Seized Asset Forfeiture Account balance as of January 31, 2017, is \$187,941.18; and

WHEREAS, the funds transferred from the Seized Assets Forfeiture Account for Narcotic Unit surveillance and operation vehicles are a U.S. Department of Justice authorized expenditure; and

NOW, THEREFORE, BE IT

RESOLVED, that up to \$40,000.00 in available balances in the Asset Forfeiture Trust Fund is hereby transferred to the Erie County Sheriff's Office Asset Forfeiture Funded Program; and be it further

RESOLVED, that the following budgetary transactions are hereby authorized:

ERIE COUNTY SHERIFF'S OFFICE

Sheriff – SAFS Funded Program

<u>REVENUE</u>		<u>DECREASE</u>
421550	Forfeiture Crime Proceeds	<u>\$ 40,000.00</u>

<u>APPROPRIATION</u>		<u>INCREASE</u>
561440	Motor Vehicles	<u>\$ 40,000.00</u>
	Total Revenue	<u>\$ 40,000.00</u>

; and be it further

RESOLVED, that designated Seized Asset Fund expenditure meets the criteria established by the U.S. Department of Justice for the use of equitable shared funds; and be it further

RESOLVED, the Erie County Legislature hereby waives the bidding procedures, as impractical, provided for in Section 19.08 of the Erie County Administrative Code for purposes of purchasing Narcotics Unit surveillance and operations vehicles and securing the services of local car dealerships to provide dealer services associated with purchasing vehicles; and be it further

RESOLVED, the Division of Budget and Management is authorized to make any technical adjustments necessary to effectuate this transfer should there be any unforeseen issues; and be it further

RESOLVED, that the Erie County Sheriff's Office and the Division of Budget and Management are authorized to have any unused funding either remain in or returned to the Asset Forfeiture Trust Account; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make any payments necessary for the purchase of replacement Narcotics Unit vehicles; and be it further

RESOLVED, that certified copies be forwarded to the Division of Budget and Management, Erie County Comptroller, the Division of Purchase and the Chief of Administration of the Sheriff office for implementation.

(6-0)

3. COMM. 2E-32 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the New York State Department of Environmental Conservation has identified the need to pre-position fully equipped oil spill response trailers at counties around the state; and

WHEREAS, the New York State Department of Environmental Conservation has purchased and is offering an oil spill response trailer and equipment for the first responders of Erie County through the Department of Homeland Security and Emergency Services; and

WHEREAS, ownership of the oil spill response trailer and equipment will remain with New York State and the State will have the trailer inspected yearly and maintain the equipment on it; and

WHEREAS, the New York State Department of Environmental Conservation must enter into an agreement with Erie County for custody and use of the oil spill response trailer and equipment; and

WHEREAS, the Department of Homeland Security and Emergency Services has identified a storage location, transport vehicles and trained personnel; and

WHEREAS, the acquisition of said oil spill trailer and equipment greatly enhances the hazardous materials response team capabilities for Erie County and other counties in the region.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature authorizes the Department of Homeland Security and Emergency Services to enter into an agreement with New York State Department of Environmental Conversation for custody and use of the oil spill response trailer and equipment; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office, the Division of Budget and Management, the Department of Emergency Services c/o Melissa Calhoun, the County Comptroller, and the County Attorney.

(6-0)

4. COMM. 2E-34 (2017)

**COUNTY EXECUTIVE**

WHEREAS, the Erie County Sheriff Office is the lead local law enforcement agency for the Western District of New York Human Trafficking Task force; and

WHEREAS, the Erie County Sheriff's Office recognizes the importance of assigning a full-time Deputy Sheriff- Criminal to the Human Trafficking Task Force and has, in fact, done so for the past three years; and

WHEREAS, in the 2016 - 2018 Human Trafficking grant, it specifies the Erie County Sheriff's Office position shall be a Detective Deputy, Job Group 9; and

WHEREAS, the funding for this position is detailed and approved within the accepted grant by all parties to the grant; and

WHEREAS, the creation of a Detective Deputy, Job Group 9, is necessary to fulfill the Erie County Sheriff's Office obligations for the 2016 - 2018 Human Trafficking grant.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is provided to the Erie County Sheriff's Office and the Erie County Personnel Department to upgrade the Human Trafficking Unit Deputy Sheriff-Criminal, Job 8, position to a Detective Deputy, Job Group 9; and be it

RESOLVED, that certified copies of this resolution will be forwarded to the County Executive, Division of Budget and Management, Erie County Personnel Department and the Sheriff's office for implementation.

(6-0)

EDWARD A. RATH III  
CHAIR

**LEGISLATOR RESOLUTIONS**

Item 31 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 24

RE: Reappointments to the EC Audit  
Committee  
(INTRO. 3-1)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Audit Committee is mandated by Erie County Charter §2517;  
and

WHEREAS, two Erie County Legislature representative appointments need to be reappointed annually; and

WHEREAS, Erie County Charter §2517 defines the Audit Committee's membership and specifies the manner of selection for each member.

NOW, THEREFORE, BE IT

RESOLVED, that John J. Mills is hereby reappointed as a member of the Erie County Audit Committee for a term ending December 31, 2017; and be it further

RESOLVED, that Legislator Thomas A. Loughran is hereby reappointed as the Minority Caucus representative to the Erie County Audit Committee for a term ending December 31, 2017; and be it further

RESOLVED, that a certified copy of this resolution be sent to the Erie County Audit Committee, and Scott W. Kroll, Deputy Comptroller for Audit.

Item 32 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 25

RE: Appointment to the EC Soil and Water  
Conservation District Board of Directors  
(INTRO. 3-2)

A RESOLUTION TO BE  
SUBMITTED BY CHAIR MILLS

WHEREAS, the Erie County Legislature has received notice that legislative action is warranted for appointment to the Erie County Soil and Water Conservation District Board of Directors; and

WHEREAS, the proper functioning of the Soil and Water Conservation District on behalf of and directly for the County of Erie is necessary for the operation of many services and programs; and

WHEREAS, pursuant to New York State Conservation District Law, of the seven-member District Board, two members are representatives of the County Legislature, one member represents the Grange, one member represents the Farm Bureau and three serve as At-Large Members; and

WHEREAS; in further accordance with New York State Law, the Erie County Legislature shall appoint members to the District Board, where presently there exists one At-Large member that requires re-appointment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby appoint Mr. Raymond L. Waterman residing at 56 East Union Street, Hamburg, NY 14075 to the At-Large position on the

Board of Directors for the Erie County Soil and Water Conservation District for 3-year term, and be it further

RESOLVED, that the aforementioned appointment shall be effective immediately and shall expire on December 31, 2019, and be it further

RESOLVED, that certified copies of this resolution be sent to the Erie County Soil and Water Conservation District (50 Commerce Way, East Aurora, NY 14052), Mr. Raymond L. Waterman (56 East Union Street, Hamburg, NY 14075) and any party deemed necessary and proper.

Item 33 – CHAIR MILLS directed that the following item be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

INTRO. 3-3 from LEGISLATORS MILLS, LORIGO, RATH, DIXON, HARDWICK & MORTON. Opposition to Unilateral Authority to Retain Budget Payments Mid-Year.

Item 34 – CHAIR MILLS directed that the following item be referred to the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

INTRO. 3-4 from LEGISLATORS BURKE, GRANT & MILLER-WILLIAMS. Ensuring Healthcare for All New Yorkers Through the New York Health Act.

**COMMUNICATIONS DISCHARGED FROM COMMITTEE**

Item 35 – MR. LORIGO moved to discharge the COMMUNITY ENRICHMENT COMMITTEE of further consideration of COMM. 2E-35. MR. MORTON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 26

RE: ECC - Presidential Search Consultant  
(COMM. 2E-35, 2017)

WHEREAS; based upon a detailed review and evaluation by an ad hoc Presidential Search firm committee of the seven responses received, utilizing three sets of criteria mandatory elements, technical qualifications and competence, and price and interviews of the top three firms; and

WHEREAS; the firm of Wheless Partners has exhibited and demonstrated the qualifications that will allow ECC to actively seek and hire a new President for ECC; and

WHEREAS; ECC has adequate funding available in its 2016-2017 budget to fund these expenses; and

WHEREAS; the ECC Board of Trustees can approve consultants/professional services agreements for up to \$50,000;

WHEREAS; as the recommended firms price proposal of \$75,000 to \$80,000 inclusive of all direct and in-direct costs (final pricing proposal is currently being negotiated) exceeds the ECC Board of Trustees authority, it is recommended that the Erie County Legislature act to approve such recommended firm; and

NOW, THEREFORE, BE IT

RESOLVED; that the Erie County Legislature hereby approves awarding a contract to Wheless Partners to assist the ECC Board of Trustees in its search for the next President of Erie Community College; and be it further,

RESOLVED, that the ECC President is authorized to enter a contract, subject to legal review, with Wheless Partners for the above mentioned services.

MR. LORIGO moved to amend the item. No second.

FAILED.

MR. LORIGO moved to approve the item. MR. LOUGHRAN seconded.

CARRIED UNANIMOUSLY.

### **SUSPENSION OF THE RULES**

Item 36 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 3-5 from CHAIR MILLS. Re: Transfer of Surplus Property to NYS Unified Court System

RESOLUTION NO. 27

### **A RESOLUTION TO BE SUBMITTED BY CHAIR MILLS**

WHEREAS, Judge Montour recently requested a transfer of property from the County's surplus warehouse and has identified surplus items that would be of tremendous use to the Hon. Mark A. Montour of the NYS Unified Court System; and

WHEREAS, these items no longer serve a purpose for the County of Erie and representatives of the Department of Purchase have indicated that the request is proper therefore the unused legislative chamber desk could be transferred to the NYS Unified Court System.

NOW, THEREFORE, BE IT

RESOLVED, that ownership of the following item is hereby transferred from the County of Erie to the NYS Unified Court System:

Asset #	Description
78145	Unused Legislative Chamber Desk

and, be it further

RESOLVED, that these items are to be used for a purpose related to the operations of the NYS Unified Court System and should not be transferred to any other entity without prior consent of the Erie County Legislature; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Department of Purchase, the NYS Unified Court System, and any party deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 37 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-24 from the COUNTY EXECUTIVE. Re: EC Soil and Water Conservation District Agreement - Technical Services & Stream Bank Maintenance, Bridge & Culvert Scour Maintenance Program

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 38 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-25 from the COUNTY EXECUTIVE. Re: Locally Administered Federal Aid Project - Bridge Painting & Repairs, Construction Inspection & Administration Services - Towns of Alden, Boston & Collins

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 39 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-26 from the COUNTY EXECUTIVE. Re: Initiatives for a Smart Economy - 2016 Bi-Annual Reports

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 40 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3E-27 from the COUNTY EXECUTIVE. Re: Springville (Scoby) Dam Fish Passage Ecosystem Restoration Project

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 41 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 3D-6 from REAL PROPERTY TAX SERVICES. Re: Open Item - Correction of Errors/NYS Real Property Tax Law

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

### **COMMUNICATIONS FROM ELECTED OFFICIALS**

#### **FROM LEGISLATOR MILLER-WILLIAMS**

Item 42 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. BURKE seconded. MS. MILLER-WILLIAMS abstained.

CARRIED 10-0-1.

RESOLUTION NO. 28

RE: Lease Agreement for Legislative Office  
Space  
(COMM. 3E-1)

RESOLVED, the Erie County Executive is hereby authorized to sign a One (1) Year Lease Agreement with Towne Gardens, LLC for Legislative office space for Barbara Miller-Williams, located at 427 William St., Buffalo, NY 14204 for a monthly rate of \$873.00.

#### **FROM CHAIR MILLS**

Item 43 – (COMM. 3E-2) 2017 Appointment to Erie County Stadium Corporation Board of Directors

Received, filed and printed.

February 2, 2017  
Mr. Kenneth Adams  
President Erie County Stadium Corporation  
95 Perry St. – Suite 500  
Buffalo, NY 14203-3030

Dear Mr. Adams,

Erie County Stadium Corporation (ECSC) was incorporated to facilitate the performance of the essential governmental functions in connection with the lease of New Era Field, formerly Ralph Wilson Stadium, in Orchard Park, home of the Buffalo Bills. ECSC's bylaws call for the Chair of the Erie County Legislature to make an appointment to their Board of Directors.

I hereby nominate Patrick J. Keem to serve on the ECSC Board of Directors.

Mr. Keem is the Town Supervisor of the Town of Orchard Park and has expressed interest in serving on the ECSC Board of Directors. As the supervisor for the town the stadium is located in and a fan of the Buffalo Bills, Mr. Keem has a vested interest in the operation and lease of the stadium and will make an excellent addition to the board.

Thank you for your time and attention with this matter.

Sincerely,  
JOHN J. MILLS  
Chairman John J. Mills  
Erie County Legislature

Item 44 – (COMM. 3E-3) 2017 Appointment to Erie County Stadium Corporation Board of Directors

Received, filed and printed.

February 2, 2017  
Karen M. McCarthy  
Clerk of the Legislature  
92 Franklin Street, 4th Floor  
Buffalo, New York 14202

RE: 2/2/2017 Abstention from Committee Vote on Comm. 2E-5 (2017) & Comm. 2E-6 (2017)

Dear Ms. McCarthy:

Pursuant to Rule 2.21 of the Erie County Legislature Rules of Order and Section 5b of Erie County Local Law No. 10-1989, my abstention to the vote concerning Comm. 2E-5 (2017): Contracts with National Grid and EC Industrial Land Development Corp. for Remediation of 4111 River Rd, Town of Tonawanda Property, and Comm. 2E-6 (2017): Contract with the EC Industrial

Development Agency for Removal, Relocation & Construction of Rail Tracks on the Bethlehem Steel Site, was to avoid any possible conflict of interest as I am a member of the Erie County Industrial Development Agency.

Sincerely,

Joseph C. Lorigo  
Chair, Economic Development Committee

FROM LEGISLATOR MILLER-WILLIAMS

Item 45 – (COMM. 3E-4) Letter to County Executive Regarding a Recommendation for Appointment to the MWBE Utilization Advisory Board

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 46 – (COMM. 3E-5) EC Sewer District No. 6 - Engineer Term Contract Agreement - Work Order GHD-1

Received and filed.

Item 47 – (COMM. 3E-6) EC Clarence Highway Facility - 2017 New Maintenance Building

Item 48 – (COMM. 3E-7) Federal-Aid Highway Local Project - NYSDOT Supplemental Agreement No. 1 - Pedestrian/Bicycle Improvements - Elmwood Ave, Village of Kenmore

Item 49 – (COMM. 3E-8) Department of Public Works - Information & Communication Technology Assessment

Item 50 – (COMM. 3E-9) Letter to County Executive Regarding Condition of Springville-Boston Road, Towns of Boston & Concord

The above four items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 51 – (COMM. 3E-10) EC Sewer District No. 8 - Proposed Boundary Extension - Aurora Mills Patio Home Development - Sewer Agency Report

Item 52 – (COMM. 3E-11) EC Sewer District No. 8 - Proposed Boundary Extension - Aurora Mills Patio Home Development - Public Hearing

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 53 – (COMM. 3E-12) Real Property Tax Services - Transfer of Surplus County Owned Land Locked Parcel - Part of SBL 73.00-5-31 Rear of Nice Rd, Town of Newstead

Item 54 – (COMM. 3E-13) Real Property Tax Services - Foreclosure Pursuant to the In Rem Provisions of the EC Tax Act - In Rem Action No. 165

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 55 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

RE: Bond Resolution - ECMCC Loan  
Refinancing  
(COMM. 3E-14)

MR. SAVAGE moved to send the item to committee. MR. LOUGHRAN seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS and MR. SAVAGE. NOES: MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. (AYES: 5; NOES: 6)

FAILED.

MR. SAVAGE moved to receive and file the item. MS. MILLER-WILLIAMS seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS and MR. SAVAGE. NOES: MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. (AYES: 5; NOES: 6)

FAILED.

CHAIR MILLS moved the previous question, and directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS and MR. SAVAGE. NOES: MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. (AYES: 5; NOES: 6)

FAILED.

Item 56 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

RE: Bond Resolution - ECMCC Capital Debt

Authorization up to \$100M  
(COMM. 3E-15)

MR. SAVAGE moved to send the item to the FINANCE & MANAGEMENT COMMITTEE. MR. LOUGHRAN seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON and MR. HARDWICK. NOES: MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. (AYES: 7; NOES: 4)

CARRIED.

FROM THE COUNTY EXECUTIVE

Item 57 – (COMM. 3E-16) Department of Senior Services - Establish Access to Home for Medicaid 2017-2019 Grant Funding

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR LORIGO

Item 58 – (COMM. 3E-17) Letter to Health Commissioner Regarding Proposal to Test School Children for Presence of Elevated Blood Lead Levels

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 59 – (COMM. 3E-18) Appointments to the EC Disaster Preparedness Advisory Board

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE SHERIFF

Item 60 – (COMM. 3E-19) Operation Stonegarden for FY2016-2019

Item 61 – (COMM. 3E-20) Division of Correctional Health - Award of Professional Services Contract for Correctional Health Pharmacy Services

Item 62 – (COMM. 3E-21) Division of Correctional Health - Personnel Adjustments

The above three items were received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE COMPTROLLER

Item 63 – (COMM. 3E-22) Performance Audit of Department of Public Works Emergency & Standby Power Systems for Period July 2015-June 2016

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE SHERIFF

Item 64 – (COMM. 3E-23) Police Protective Equipment Program Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE CLERK OF THE LEGISLATURE

Item 65 – (COMM. 3D-1) Certificate of Appointment to Erie County Industrial Development Agency (ECIDA)

Received, filed and printed.

CERTIFICATE  
OF  
APPOINTMENT  
AS MEMBER OF  
ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY  
FOR FILING  
WITH  
SECRETARY OF STATE  
UNDER  
GENERAL MUNICIPAL LAW SECTION 856(2)

THIS is to certify that JOSEPH C. LORIGO has been appointed as a member of ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY ("ECIDA"), which has been duly established by Chapter 293 of the Laws of 1970. LOUIS PANZICA will fill the vacancy created by Edward A. Rath, III.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the County Legislature of the County of Erie this 24th day of January, 2017.

THE COUNTY LEGISLATURE OF  
THE COUNTY OF ERIE

SEAL

By: KAREN M. McCARTHY  
Karen M. McCarthy,  
Clerk of the Legislature

FROM THE COMMISSIONER, DEPARTMENT OF ENVIRONMENT & PLANNING

Item 66 – (COMM. 3D-2) SEQR Notice of Negative Declaration - Rental Housing Construction Project - 18 Glenwood, City of Lackawanna

Received and filed.

**FROM THE REAL PROPERTY TAX SERVICES**

Item 67 – (COMM. 3D-3) Letter to Town of Boston Regarding Town Levy and Tax Rate Sign Off

Received and filed.

**FROM THE DEPARTMENT OF PUBLIC WORKS**

Item 68 – (COMM. 3D-4) ECC STEM Building Status Report - Jan. 2017

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

**FROM THE DEPARTMENT OF HEALTH**

Item 69 – (COMM. 3D-5) Initiatives for a Stronger Community - 2016 Q3 & Q4 Biannual Reports

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

**COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES**

**FROM THE TOWN OF AURORA**

Item 70 – (COMM. 3M-1) 2016 Annual Report of the Town Historian

Received and filed.

**FROM THE BUFFALO & EC NAVAL & MILITARY PARK**

Item 71 – (COMM. 3M-2) Board of Directors Meeting Minutes

Received and filed.

**FROM BUFFALO PLACE INC**

Item 72 – (COMM. 3M-3) Letter to Legislator Miller-Williams Regarding Organization's Support for Ride Sharing NYS Legislation

Received and filed.

FROM THE EC BAR ASSOCIATION

Item 73 – (COMM. 3M-4) Assigned Counsel Program - Financial & Quarterly Report, Attorneys on Panel, Board of Directors Meeting Minutes

Received and filed.

FROM THE EC WATER AUTHORITY

Item 74 – (COMM. 3M-5) Unaudited Comparative Financial Statements for Years Ended Dec. 31, 2016 & 2015

Received and filed.

FROM LEGAL AID BUREAU OF BUFFALO INC

Item 75 – (COMM. 3M-6) 2015 Financial Statements, Sept. 22, 2016 Board of Directors Meeting Minutes

Received and filed.

FROM THE NFTA

Item 76 – (COMM. 3M-7) Nov. 17, 2016 Board Minutes

Received and filed.

FROM RONALD A. WENDEL

Item 77 – (COMM. 3M-8) Letter Regarding Road in Disrepair

Received and filed.

FROM ROBIN SCHIMMINGER

Item 78 – (COMM. 3M-9) Letter to County Executive & Chair Mills Regarding Imposition of Additional One Percent and Three-Quarters Percent Sales and Compensating Use Taxes

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE MWBE UTILIZATION ADVISORY BOARD

Item 79 – (COMM. 3M-10) Dec. 28, 2016 Meeting Minutes

Received and referred to the MINORITY & WOMEN BUSINESS ENTERPRISE COMMITTEE.

**ANNOUNCEMENTS**

Item 80 – CHAIR MILLS announced the committee schedule for February 16, 2017 has been distributed, and the Erie Community College mid-year budget hearing will take place during the Community Enrichment meeting.

Item 81 – CHAIR MILLS announced a public hearing regarding LL Intro. 2-2 (2017) A LL amending Local Law No. 1-1959, constituting the Erie County Charter, as amended, in relation to adjustment of specifications in the commissioner role for the Department of Public Works is scheduled for February 16, 2017 at 6:00 p.m. in the Legislature Chambers.

Item 82 – CHAIR MILLS announced the next regularly scheduled legislative session is February 23, 2017.

**MEMORIAL RESOLUTIONS**

Item 83 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of David R. Blank, Paul F. Gannon, Channez “Channey” Keil, Howard J. “Howie” Koch, Stephen & Edward Sattler and Carlotte Henden Yerkovich.

Item 84 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Wardel Davis.

Item 85 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Jeffrey E. Denning, Gary E. Doane, Channez “Channey” Keil and Ruth H. Uebler.

Item 86 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Ronnie H. Cook and Terence “Terry” Curry.

Item 87 – Legislator Morton requested that when the Legislature adjourns, it do so in memory of Robert H. Giza Sr and Anthony S. Guarino Jr .

Item 88 – Legislator Savage requested that when the Legislature adjourns, it do so in memory of Josephine D. “Nani T” Todaro.

Item 89 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of Marian M. Gray.

**ADJOURNMENT**

Item 90 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, February 23, 2017 at 2:00 p.m. Eastern Standard Time. MR. BURKE seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, February 23, 2017 at 2:00 p.m. Eastern Standard Time.

**KAREN M. McCARTHY**  
**CLERK OF THE LEGISLATURE**